



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

JUN 06 2019

Reply to: 20-C04

Mr. Ed DeGroot
Sunview Dairy
6600 SW Blanksma Road
Mountain Home, Idaho 83647

Re: Clean Water Act Compliance Evaluation Inspection at Sunview Dairy at 6600 SW Blanksma Road in Mountain Home, Idaho.

Dear Mr. DeGroot:

On April 4, 2019, the PG Environmental, on behalf of the United States Environmental Protection Agency (EPA), conducted a compliance inspection at your facility. The purpose of the inspection was to determine compliance with the Clean Water Act (CWA). A copy of the inspection report is attached to this letter. Please review the inspection report, note the areas of concern, if any, and take any actions necessary to ensure compliance with the CWA.

An EPA Compliance Officer will use this inspection report in evaluating your facility's compliance with the CWA. This may result in subsequent contact from EPA personnel if a violation is identified. This letter is sent only to transmit the inspection report, and it should not be interpreted as a final compliance determination. Please direct any questions regarding compliance evaluations to Steven Potokar at (206)-553-6354 or potokar.steven@epa.gov.

Thank you for the cooperation and assistance extended to the PG Environmental staff during the inspection.

Sincerely,

A handwritten signature in blue ink, reading "Jeff KenKnight", is positioned above the printed name.

Jeff KenKnight, Chief
Surface Water Enforcement Section

Enclosure

cc: Mr. Mitch Vermeer
Idaho State Department of Agriculture

IDAHO CAFO INSPECTION REPORT

GENERAL INFORMATION

Facility ID #: <u>N/A* – unpermitted CAFO</u> Facility Name: <u>Sunview Dairy</u> Facility Owner: <u>DeGroot Family</u> Facility Operator: <u>Ed DeGroot</u> Mailing Address: <u>6600 SW Blanksma Rd.</u> <u>Mountain Home, ID 83647</u> Physical Address: <u>6600 SW Blanksma Rd.</u> <u>Mountain Home, ID 83647</u> County: <u>Elmore</u> Contact Person: <u>Ed DeGroot</u> Phone (office): <u>N/R*</u> (fax): <u>N/R</u> (cell): <u>(b) (6)</u> E-mail: <u>N/R</u> Persons Present During Inspection: <u>Ed DeGroot (Sunview Dairy); Rick Naerebout and Megan Satterwhite (Idaho Dairymen's Association [ISDA]); Emily Montague and Pradip Adhikari (Idaho State Department of Agriculture [ISDA]); James Craft and Brett Morrison (Idaho Department of Environmental Quality); Sirese Jacobson and Jennifer Ferrando (PG Environmental)</u> Max. Animals Confined per Month: <u>~20,000</u> Max. Capacity of Facility: <u>~20,000</u>	Inspector: <u>Sirese Jacobson and Jennifer Ferrando (PG Environmental)</u> Inspection Date: <u>April 4, 2019</u> Time In: <u>12:04 PM</u> Time Out: <u>2:00 PM</u> Weather: <u>Partly cloudy, approx. 60° F.</u> GPS Reading (At Gate) North: <u>43.00391</u> West: <u>-115.76486</u> Does the facility owner/operator own and/or operate any other animal feeding operations? <u>Yes; Mr. DeGroot owns, but does not operate, another dairy in Idaho.</u> If yes provide name(s) and address(es) and indicate whether the facility is an AFO or a CAFO: <u>N/R</u> Location and name of nearest surface water¹ and description of flow path: <u>Sunview Dairy is approximately 1.5 miles north of Rattlesnake Creek and 2.2 miles north-northeast of the Snake River. An unnamed, intermittent drainage originates near the southwest corner of the cow pens and flows approximately 2.5 miles south to its confluence with the Snake River.</u>																								
Number of animals today (all animals in production area): <table border="1"> <thead> <tr> <th></th> <th># confined</th> <th></th> <th># confined</th> </tr> </thead> <tbody> <tr> <td>Cattle</td> <td></td> <td>Sheep</td> <td></td> </tr> <tr> <td>Dairy mature</td> <td>~10,000 (milking and dry)</td> <td>Dairy heifers</td> <td></td> </tr> <tr> <td>Swine (≥55#)</td> <td></td> <td>Swine (<55#)</td> <td></td> </tr> <tr> <td>Turkeys</td> <td></td> <td>Laying hens</td> <td></td> </tr> <tr> <td>Other chickens</td> <td></td> <td>Other (specify)</td> <td>~10,000 young stock</td> </tr> </tbody> </table>			# confined		# confined	Cattle		Sheep		Dairy mature	~10,000 (milking and dry)	Dairy heifers		Swine (≥55#)		Swine (<55#)		Turkeys		Laying hens		Other chickens		Other (specify)	~10,000 young stock
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X	Presented credentials? (check if yes) Presented Letter of Authorization dated March 26, 2019																								
X	Inspection photos or aerial photo/site map attached? (check if yes)																								
X	Potential compliance issues? (check if yes and summarize below)																								

*NA = Not Applicable; NR = Not Requested

Note: The federal regulations cited throughout the checklist are included as reference for discharging CAFOs.

¹ Surface water means all waters of the United States.

SUMMARY OF POTENTIAL COMPLIANCE ISSUES

- The facility's NMP did not include site-specific conservation practices; however, the facility operator specified that the following conservation practices are used: Dammer Diker process during planting, cover crops, and drop hoses and low-pressure sprayers on the pivots. It is recommended that the facility's NMP be updated to include site-specific conservation practices. The federal regulations at 40 CFR 122.23(e)(1) require documentation of site-specific conservation practices to prevent the runoff of pollutants from land application areas is required for discharges from the land application area to a water of the U.S. to meet the agricultural storm water definition.
- During the site tour, and on Google Earth aerial photography and USGS National Map data, the inspectors observed that an intermittent drainage originates near a low spot at the southwest end of the cattle pens. The inspectors did not observe evidence that wastewater drains to this area; however, a manure composting area was observed in the corner of the adjacent pivot field. To ensure that wastewater runoff from the cattle pens and compost area in the western portion of the facility does not discharge to the unnamed intermittent tributary and flow towards the Snake River, which is approximately 2.5 stream miles from the low spot (as measured using Google Earth aerial imagery), it is recommended that the facility operator regularly inspect this area, particularly during storm events.
- During the site tour, the inspectors observed an earthen berm along the south (upslope) side of the cattle pens. It is recommended that the facility operator continue to maintain this berm to ensure that any runoff from the southern end of the pens cannot flow offsite or toward the unnamed intermittent tributary to the Snake River that originates near the southwest corner of the production area.

INSPECTION OBSERVATIONS**Nutrient Management Plan (NMP)***Required NMP Elements [40 CFR 122.42(e)(1)]*

Indicate whether the following elements are included in the NMP:

- | | |
|-----|---|
| Yes | <p>1. Is the facility's NMP available on-site? Does it reflect the current operational characteristics and practices? [40 CFR 122.42(e)(2)(iii)]</p> <p>Date developed or last revised: <u>October 3, 2018. All statements about the NMP in this report refer to the October 3, 2018, version of the NMP, unless otherwise specified.</u></p> <p><u>The NMP was developed by Ed DeGroot, who is certified by ISDA to develop NMPs, using the current version of ISDA's NMP software.</u></p> |
| Yes | <p>2. Ensure adequate storage of manure and process wastewater, including operation and maintenance procedures. [40 CFR 122.42(e)(1)(i)]</p> <p><u>The NMP identifies individual storage structures and capacities. At the time of the inspection, a new wastewater storage lagoon was under construction. Data provided in the NMP indicates that the facility currently has approximately 1.2 times more wastewater storage capacity than required. The calculations include the lagoon that was under construction at the time of the inspection and the recently-constructed pens that will contribute drainage to that lagoon. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.</u></p> |
| No | <p>3. Ensure proper management of animal mortalities. [40 CFR 122.42(e)(1)(ii)]</p> <p><u>The facility's NMP does not address animal mortality management. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.</u></p> |

Nutrient Management Plan (NMP) (continued)

- N/A 4. Ensure that clean water is diverted, as appropriate, from the production area. [40 CFR 122.42(e)(1)(iii)]
Based on information provided by the facility representative and site observations, local site topography would prevent stormwater run-on to the production area. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.
- N/A 5. Prevent direct contact of confined animals with surface waters. [40 CFR 122.42(e)(1)(iv)]
Surface waters do not flow through any portion of the production area. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.
- No 6. Ensure proper disposal of chemicals and other contaminants. [40 CFR 122.42(e)(1)(v)]
According to Mr. DeGroot, all necessary chemicals are fully used, leaving no waste chemicals for disposal. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.

NOTE: Unpermitted CAFOs with agricultural stormwater runoff are required to implement the following nutrient management planning elements (7 – 10) to qualify for the agricultural stormwater exemption [40 CFR 122.23(e)]

- No 7. Identify site-specific conservation practices to control runoff of pollutants. [40 CFR 122.42(e)(1)(vi)]
According to Mr. DeGroot, the following practices are used to prevent nutrient loss from land application areas: cover crops, drop hoses with low pressure nozzles on pivots, and use of a Dammer Diker during planting. The NMP reflects the use of cover crops; however, the other conservation practices in use are not documented.
- No 8. Identify protocols for manure, process wastewater, and soil sampling and testing. [40 CFR 122.42(e)(1)(vii)]
The NMP includes protocols for soil testing but not for compost and wastewater testing. The results of wastewater analyses are included in the calculations shown in the NMP. Wastewater and composted manure are applied to land under the operational control of Sunview Dairy. Unpermitted CAFOs with agricultural stormwater runoff must implement protocols for appropriate manure, process wastewater, and soil testing and maintain associated records to qualify for the agricultural stormwater runoff exemption under the Clean Water Act.
- Yes 9. Establish protocols to land apply manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater. [40 CFR 122.42(e)(1)(viii)]
Mr. DeGroot, an ISDA-certified nutrient management planner, developed the facility's NMP using ISDA software. The inspection team presumes this nutrient management planning requirement is satisfied, provided the software addresses all necessary considerations and data elements to ensure calculation of land application rates that ensure appropriate agricultural utilization of the applied manure and wastewater.

Nutrient Management Plan (NMP) (continued)

- No 10. Identify specific records that will be maintained to document the implementation and management of the minimum NMP elements (#2-#9 above). [40 CFR 122.42(e)(1)(ix)]
The NMP does not identify the site-specific records that will be maintained to document the NMP elements listed above. See question 33, below, for a description of the facility's record keeping specific to the nutrient management planning elements that apply to unpermitted CAFOs in the context of the Clean Water Act agricultural stormwater exemption (#7-#9 above).

Additional NMP Requirements for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs

- Yes 11. Application rates are calculated as required by 40 CFR 412.4(c)(2).
The NMP was developed using ISDA software. The inspection team presumes that the application rates in the plan were calculated in accordance with the referenced requirements, provided the software addresses field-specific risk of nitrogen and phosphorus transport to surface waters; the form, source, amount, timing, and method of nutrient application to achieve realistic yield goals; and consideration of multi-year phosphorus application.
- No 12. Specifies the manure, process wastewater, and soil sampling at the required frequencies and for the required parameters? [40 CFR 412.4(c)(3)] *(manure/wastewater annually for P & N, soils at least every 5 years for phosphorus transport)*
The NMP specifies soil sampling frequency and parameters but does not include manure and wastewater sampling protocols. This NMP element is not required for unpermitted CAFOs under the Clean Water Act; however, unpermitted CAFOs with agricultural stormwater runoff must implement protocols for appropriate manure, process wastewater, and soil testing and maintain associated records to qualify for the agricultural stormwater runoff exemption under the Clean Water Act.
- No 13. Includes periodic inspection of land application equipment? [40 CFR 412.4(c)(4)]
The NMP does not address land application equipment inspection. The facility representative indicated that land application equipment is regularly calibrated and inspected for leaks. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.
- N/A 14. Includes 100-foot setback or 35-foot vegetated buffer, or approved alternative? [40 CFR 412.4(c)(5)]
According to the facility representative, there are no downgradient surface waters or conduits to surface water within 100 feet of any land application sites. Review of aerial imagery and the NMP field maps did not indicate surface waters within 100 feet of land application sites.

Where applicable, identify each field and setback type:

Field ID	Setback Type
N/A	N/A

Monitoring, Documentation and Recordkeeping

Does the facility maintain the following records?

- N/A 15. The completed permit application? [40 CFR 412.37(b)]
Sunview Dairy is an unpermitted CAFO.
- No 16. The current design of manure storage structures, including volume of solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity? [40 CFR 412.37(b)(5)]
The facility's NMP identifies individual storage structures and capacities but does not include all of the elements listed above. This documentation is not required for unpermitted CAFOs under the Clean Water Act.
- N/A 17. The date, time, and estimated volume of any overflow? [40 CFR 412.37(b)(6)]
According to Mr. DeGroot, there have been no overflows from the impoundments at Sunview Dairy. The inspectors did not identify evidence of overflows during the site evaluation.
- No 18. Manure and process wastewater transfers, including the most current nutrient analysis of the manure or wastewater that was provided to the recipient, the date and approximate amount transferred, and the name and address of the recipient? [40 CFR 122.42(e)(3)]
- Yes a. Name of recipient
- Yes b. Address of recipient
- Yes c. Date of transfer
- Yes d. Approximate amount transferred (tons/gallons)
- No e. Recent (12 months or less) manure nutrient analysis provided
- Wastewater is applied to land application sites at Sunview Dairy. Most of the solid manure generated at the site is transferred to a third-party composter. Smaller volumes of compost are transferred to third-party farmers or applied to Sunview Dairy land application sites. The facility documents the information listed above but does not provide the results of nutrient analyses to the third-party farmers who receive manure from Sunview Dairy. This documentation is not required for unpermitted CAFOs under the Clean Water Act.

Additional Production Area Records for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs

- No 19. Documentation of daily and weekly visual inspections of the production area, including:
- No a. Weekly inspection of stormwater diversions, waste storage structures, and process wastewater channeling devices? [40 CFR 412.37(b)(1)]
- No b. Daily inspection of water lines? [40 CFR 412.37(b)(1)]
- No c. Weekly inspection of impoundments and tanks? [40 CFR 412.37(b)(1)]
- The facility representative indicated that the above items are inspected during daily drives around the production area; however, the visual inspections are not documented. This documentation is not required for unpermitted CAFOs under the Clean Water Act.

Monitoring, Documentation and Recordkeeping (continued)

- | | |
|--|---|
| No | <p>20. Weekly records of the depth of manure and process wastewater in liquid impoundments and terminal tanks? [40 CFR 412.37(b)(2)]</p> <p><u>The facility representative indicated that lagoon wastewater levels are evaluated during daily drives around the production area. The lagoons do not include depth markers and the facility does not document freeboard or any other indicator of wastewater levels in the impoundments. This documentation is not required for unpermitted CAFOs under the Clean Water Act.</u></p> |
| No | <p>21. Documentation of actions taken to correct deficiencies found as a result of production area inspections? [40 CFR 412.37(b)(3)]</p> <p><u>The facility records included a "Separator Maintenance Log" that included maintenance dates and notes for the mechanical separator. The records did not include documentation of other corrective actions. This documentation is not required for unpermitted CAFOs under the Clean Water Act.</u></p> |
| Yes | <p>22. Documentation of mortalities management? [40 CFR 412.37(b)(4)]</p> <p><u>Mortalities are picked up by Darling International for rendering. The facility maintains hauling invoices that document the number of animals picked up and the dates. This documentation is not required for unpermitted CAFOs under the Clean Water Act.</u></p> |
| <p><i>Land Application Area Records for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs</i></p> | |
| Yes | <p>23. Expected crop yields? [40 CFR 412.37(c)(1)]</p> <p><u>Expected crop yields are included in the facility's NMP. These records may be required for unpermitted CAFOs under the Clean Water Act, to the extent that they are necessary to demonstrate land application of manure or process wastewater was performed in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.</u></p> |
| Yes | <p>24. Date(s) manure or process wastewater is applied to each land application site? [40 CFR 412.37(c)(2)]</p> <p><u>Dates of manure and process wastewater application are included in the facility's NMP. These records may be required for unpermitted CAFOs under the Clean Water Act, to the extent that they are necessary to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.</u></p> |
| No | <p>25. Weather conditions at the time of, and for 24 hours prior to and following, land application? [40 CFR 412.37(c)(3)]</p> <p><u>These records are not specifically required for unpermitted CAFOs under the Clean Water Act but may be useful to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.</u></p> |

Monitoring, Documentation and Recordkeeping (continued)

- | | |
|-----|---|
| No | <p>26. Test methods used to sample and analyze manure, process wastewater, and soil? [40 CFR 412.37(c)(4)]</p> <p><u>These records are not specifically required for unpermitted CAFOs under the Clean Water Act but may be useful to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.</u></p> |
| Yes | <p>27. Results from manure, process wastewater, and soil analyses? [40 CFR 412.37(c)(5)]</p> |
| Yes | <p>28. Manure and process wastewater application rates determined in accordance with the technical standards? [40 CFR 412.37(c)(6)]</p> <p><u>Planned rates are calculated using ISDA's NMP software.</u></p> |
| Yes | <p>29. Calculations showing the total N and P to be applied to each land application site, including sources other than manure or process wastewater? [40 CFR 412.37(c)(7)]</p> <p><u>The planned rates in the NMP are calculated using ISDA's NMP software. The NMP expresses planned rates in tons of manure or gallons of wastewater to be applied. The inspectors did not evaluate the software, but presume, based on the information provided in the NMP, that the software calculates planned nutrient application rates based on crop nutrient needs, soil credits, and other nutrient inputs, and converts those rates to tons or gallons of manure or wastewater to be applied based on manure analysis data.</u></p> |
| No | <p>30. Total amount of N and P actually applied to each land application site, including calculations? [40 CFR 412.37(c)(8)]</p> <p><u>The facility's records include the tons or gallons of manure or wastewater, respectively, applied to each field. This corresponds with the planned rates in the NMP, which are also expressed in tons or gallons of manure or wastewater to be applied. Records of the total amount of N and P applied to each field are not specifically required for unpermitted CAFOs under the Clean Water Act but may be useful to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.</u></p> |
| No | <p>31. Method used to apply manure and process wastewater? [40 CFR 412.37(c)(9)]</p> <p><u>All wastewater is applied at Sunview Dairy using pivot sprinklers. Compost is applied with a compost spreader or a truck-mounted manure spreader. The application method is not documented in the land application records. These records are not specifically required for unpermitted CAFOs under the Clean Water Act but may be useful to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.</u></p> |
| No | <p>32. Date(s) of manure application equipment inspections for leaks? [40 CFR 412.37(c)(10)]</p> <p><u>These records are not required for unpermitted CAFOs under the Clean Water Act.</u></p> |

Monitoring, Documentation and Recordkeeping (continued)

33. Describe the records that are maintained to document implementation of the following nutrient management planning elements [40 CFR 122.23(e)]:

- a. Identify site-specific conservation practices to control runoff of pollutants.
According to the facility representative, site specific conservation practices in use at the facility include cover crops, drop hoses with low pressure nozzles on pivots, and use of a Dammer Diker during planting, according to the facility representative. These conservation practices are not documented. Documentation of this information is required for unpermitted CAFOs with agricultural stormwater runoff to qualify for the agricultural stormwater exemption under the Clean Water Act.
- b. Identify protocols for manure, process wastewater, and soil sampling and testing.
The facility maintains laboratory analytical reports for soil, compost, and wastewater testing. Records identifying testing and sampling protocols are required for unpermitted CAFOs with agricultural stormwater runoff to qualify for the agricultural stormwater exemption under the Clean Water Act.
- c. Establish protocols to land apply manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater.
The facility documents the dates of land application to each field, the tons of manure or gallons of wastewater applied (which correspond to the format used to express planned rates in the NMP), and the acres used for land application. These records are required for unpermitted CAFOs with agricultural stormwater runoff to qualify for the agricultural stormwater exemption under the Clean Water Act.

Monitoring, Documentation and Recordkeeping comments:

The inspectors were not able to compare land application records to planned rates in the NMP. The land application records reviewed were for the 2018 crop year. As described above, the records documented the tons of solid manure and gallons of wastewater applied. This is consistent with the expression of rates, in tons and gallons, in the current NMP developed using the new ISDA software. However, the previous NMP that covered the 2018 crop year had been developed using the old ISDA program, OnePlan, which expresses planned rates in terms of pounds of N, P, and K. Therefore, the records maintained for land applications before the 2019 crop year would not be readily comparable to the corresponding NMP.

Land Application Sites

Yes 34. Does the facility apply manure or wastewater to land owned by or under the operational control of the CAFO?

- Number of land application sites: Number of sites not documented. The facility's NMP indicates that approximately 15,600 acres are available for land application of manure and wastewater from Sunview Dairy (approximately 2,600 on site and approximately 13,000 through third-party export).
- Irrigation type(s): Pivot
- Furrow/flood irrigation sites – what is fate of applied wastewater and tailwater? N/A

Production Area

35. List impoundments:

Impoundment ID	Wastewater Type	Wastewater Source(s)	Pumping level ²	Wastewater below pumping level?	Max. recorded level	Date of max. recorded level
Separator cells 1 - 4	<input checked="" type="checkbox"/> process generated <input checked="" type="checkbox"/> runoff	Mechanical separator (milking parlors, runoff from corrals and composting area)	N/A	N/A	N/A	N/A
Lagoon 1	<input checked="" type="checkbox"/> process generated <input checked="" type="checkbox"/> runoff	Separator cells	N/A – not required for unpermitted CAFOs under the Clean Water Act	N/A Freeboard during inspection approx. 3 ft.	N/A	N/A
Lagoon 2	<input checked="" type="checkbox"/> process generated <input checked="" type="checkbox"/> runoff	Lagoon 1, eastern pens (if large rain event overwhelms collection pit)		N/A Freeboard during inspection approx. 3.5 ft	N/A	N/A
Lagoon 3	<input checked="" type="checkbox"/> process generated <input checked="" type="checkbox"/> runoff	Lagoon 2, feed/commodities/silage, adjacent pens, calf hutches		N/A Freeboard during inspection approx. 7 ft	N/A	N/A
Lagoon 4	<input checked="" type="checkbox"/> process generated <input checked="" type="checkbox"/> runoff	Westernmost pens		N/A Under construction at time of inspection	N/A	N/A

² The pumping level represents the minimum capacity necessary to contain runoff and direct precipitation from the 25-year, 24-hour rainfall event (40 CFR 412.37(a)(2)).

Production Area (continued)

36. Impoundment(s) collect all runoff from:

No Animal confinement areas?³

Two rows of pens were recently constructed at the west end of the production area. Runoff from those pens will ultimately gravity flow to Lagoon 4, which was under construction at the time of the inspection. A temporary impoundment had been excavated immediately to the east of Lagoon 4 to contain runoff from the pens until construction of Lagoon 4 is complete. The facility operator indicated that cows had only been in the new pens for a short time and that the pens were not in use during the winter.

No Manure storage areas?⁴

A composting area located in the southeast corner of the pivot field immediately west of the production area does not drain to the impoundments. A temporary berm had been constructed to contain runoff within the compost area. The facility representative stated that runoff from the composting area would drain to Lagoon 4 when construction is complete.

Yes Raw material storage areas?⁵

Yes Waste containment areas?⁶

N/A Egg washing or egg processing facility?

Yes Mortality storage, handling, treatment or disposal area?

N/A Other? (describe): N/A

No 37. Was manure or wastewater observed in a waterway? If yes, describe:

N/A

Yes 38. Adequate storage available for manure, litter, and process wastewater, and procedures are in place to ensure proper operation and maintenance of the storage facilities? [40 CFR 122.42(e)(1)(i)]

The facility representative stated that the facility had not begun removing wastewater from the lagoons for spring land application. Lagoons 1 through 3 had remaining capacity. No evidence of uncontained manure or wastewater was observed.

³ Animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables (40 CFR 122.23(b)(8)).

⁴ Manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles (40 CFR 122.23(b)(8)).

⁵ Raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials (40 CFR 122.23(b)(8)).

⁶ The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water (40 CFR 122.23(b)(8)).

Production Area (continued)

Yes 39. Confined animals do not have direct contact with waters of the United States? [40 CFR 122.42(e)(1)(iv)]

Waters of the U.S. do not flow through the animal confinement areas.

N/A 40. Clean water is diverted from the production area? [40 CFR 122.42(e)(1)(iii)]

Based on information provided by the facility representative and site observations, local site topography would prevent stormwater run-on to the production area. Dry conditions during the inspection prevented observation of localized stormwater runoff flow.

Yes 41. Chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system? [40 CFR 122.42(e)(1)(v)]

The facility representative stated that all necessary chemicals are fully used, leaving no waste chemicals for disposal. The inspectors did not evaluate the chemical storage location but did not identify evidence of improper chemical disposal.

Additional Production Area Requirements for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs (Subparts C and D)

No 42. All open surface impoundments and terminal storage tanks have depth markers which clearly indicate the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event? [40 CFR 412.37(a)(2)]

Depth markers are not required for unpermitted CAFOs under the Clean Water Act.

Yes 43. Mortalities remain in the production area until disposal, are not disposed in liquid manure or process wastewater treatment systems, and are handled to prevent discharge of pollutants to surface waters? [40 CFR 412.37(a)(4)]

Mortalities are stored temporarily on site prior to pick-up by the renderer. The mortality storage location is between the eastern pens and Lagoons 1 and 2; runoff from this area drains to the collection pit, or directly to Lagoon 2 in heavy storm events.

Production Area (continued)

Production area comments:

Wastewater from both milking parlors, runoff from the pens in the eastern half of the production area, and runoff from the compost area in the pivot corner at the northeastern corner of the production area flow to a concrete collection pit/sump located at the north side of the pen to the north of the eastern milk barn. During heavy rain events, runoff from the pens can bypass the collection pit and flow directly to Lagoon 2. Wastewater is pumped from the collection pit to the mechanical separator. Wastewater gravity flows from the mechanical separator to four concrete separator cells (the adjacent earthen separator cells are no longer used). From the separator cells, wastewater gravity flows to Lagoons 1, 2, and 3 in series.

Lagoon 3 also receives runoff from the pens south of Lagoon 3 and the two rows of pens immediately west of Lagoon 3 (including all pens in those two rows extending to the southern production area boundary). In addition, runoff from the feed, silage, and commodities storage area in the northeast portion of the production area and calf hutches north and east of Lagoon 1 gravity flows to Lagoon 3 via a drain located east of Lagoon 3.

Two rows of pens were recently constructed at the west end of the production area. Runoff from those pens will ultimately gravity flow to Lagoon 4, which was under construction at the time of the inspection. A temporary impoundment had been excavated immediately to the east of Lagoon 4 to contain runoff from the pens until construction of Lagoon 4 is complete. The facility operator indicated that cows had only been in the new pens for a short time and that the pens were not in use during the winter.

Inspector: _____

Jennyfer Fernandez

Date: _____

5/30/2019

Aerial Photo/Site Map

